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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,631	04/15/2004	Andre Brunet	8000-1	5338
43463	7590	10/05/2005	EXAMINER	
RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A. 222 LAKEVIEW AVE SUITE 800 WEST PALM BEACH, FL 33401-6112			CUEVAS, PEDRO J	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/828,631

Applicant(s)

BRUNET, ANDRE

Examiner

Pedro J. Cuevas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/04 and 6/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-5, 7, 9-13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,357,542 A to Kirschbaum in view of U.S. Patent No. 5,040,948 A to Harburg.

Kirschbaum discloses the construction of a wind turbine generator system comprising:

a generally vertical lattice structure (18) having a base anchored to the ground (Figure 1) power lines (25) that transmit electrical power; and  
a fixed horizontal axis wind turbine (12) having a rotor (16) for driving a generator (22), the generator being connected to an upper portion of the transmission tower.

However, it fails to disclose a plurality of supporting arms for supporting power lines that transmit electrical power.

Harburg teach the construction of a coaxial multi-turbine generator which uses variable-axis wind turbines comprising: an inverter (22), and a plurality of supporting arms (26) for supporting power lines (25) that transmit electrical power for the purpose of keeping moving parts from touching existing transmission lines.

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It would have been obvious to one skilled in the art at the time the invention was made to use the supporting arms disclosed by Harburg on the wind turbine generator system disclosed by Kirschbaum for the purpose of keeping moving parts from touching existing transmission lines.

3. Claims 3, 6, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,357,542 A to Kirschbaum in view of U.S. Patent No. 5,040,948 A to Harburg as applied to claims 1-2, 4-5, 7, 10-13, 15, 17-19 above, and further in view of U.S. Patent No. 4,449,053 A to Kutcher.

Kirschbaum in view of Harburg disclose the construction of a wind turbine generator system as disclosed above.

However, it fails to disclose:

at least one guy wire for stabilizing the tower, the at least one guy wire being connected at an upper end to the structure and at a lower end to the ground; and  
the wind turbine having a fixed vertical axis.

Kutcher teaches the construction of a vertical axis wind turbine comprising: at least one guy wire (8) for stabilizing the tower, the at least one guy wire being connected at an upper end to the structure and at a lower end to the ground, for the purpose of providing an anchoring and stabilizing system for the wind turbine.

It would have been obvious to one skilled in the art at the time the invention was made to use the guy wires disclosed by Kutcher on the wind turbine generator system disclosed by Kirschbaum in view of Harburg for the purpose of providing an anchoring and stabilizing system for the wind turbine.

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4. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,357,542 A to Kirschbaum in view of U.S. Patent No. 5,040,948 A to Harburg as applied to claims 1-2, 4-5, 7, 10-13, 15, 17-19 above, and further in view of U.S. Patent No. 6,400,039 B1 to Wobben.

Kirschbaum in view of Harburg disclose the construction of a wind turbine generator system as disclosed above.

However, it fails to disclose a transformer for transforming a voltage output from the generator of the wind turbine into a different voltage for feeding into one of the power lines.

Wobben teach the construction of a wind power plant comprising a transformer (22) fixed to the tower for the purpose of operating as an energy transfer unit, feeding the transformed electrical energy by way of circuit breakers into overland power lines.

It would have been obvious to one skilled in the art at the time the invention was made to use the transformer disclosed by Wobben on the wind turbine generator system disclosed by Kirschbaum in view of Harburg for the purpose of operating as an energy transfer unit, feeding the transformed electrical energy by way of circuit breakers into overland power lines.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (571) 272-2021. The examiner can normally be reached on M-F from 8:30 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pedro J. Cuevas  
October 1, 2005



DARREN SCHUBERG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800